

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Case No. 05-4168

IN RE: DEBRA A. LAHER; TIMOTHY M. LAHER, Debtors

GARY V. SKIBA

v.

TIMOTHY M. LAHER;
DEBRA A. LAHER;
TIAA-CREFF

Timothy M. Laher;
Debra A. Laher,
Appellants

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil No.05-cv-00151)
District Judge: Honorable Sean J. McLaughlin

Submitted Under Third Circuit LAR 34.1(a)
on March 28, 2007

Before: RENDELL, BARRY, and CHAGARES, Circuit Judges.

JUDGMENT

This cause came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a) on March 28, 2007. On consideration whereof, it is now here ORDERED and ADJUDGED by this Court that the Order of the District Court entered on August 5, 2005, be and the same is hereby REVERSED, and the case is remanded to the Bankruptcy Court for entry of an order excluding the annuity from the bankruptcy estate and for proceedings consistent with this opinion. Costs taxed against Appellee.

ATTEST:

/s/ Marcia M. Waldron
Clerk

Dated: August 2, 2007



Certified as a true copy and issued in lieu
of a formal mandate on August 24, 2007

Teste: *Marcia M. Waldron*
Clerk, U.S. Court of Appeals for the Third Circuit